

Notice of Allowability

Application No.

10/634,205

Examiner

Herng-der Day

Applicant(s)

KORTUM ET AL.

Art Unit

2128

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Response received 3/6/07.
2. ☒ The allowed claim(s) is/are 2-9 and 11-20, now renumbered as 1-18.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

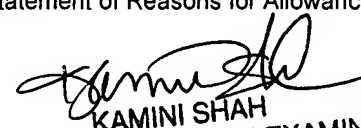
5. ☐ Notice of Informal Patent Application

6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____


KAMINI SHAH
SUPERVISORY PATENT EXAMINER

DETAILED ACTION

1. This communication is in response to Applicants' Response to Office Action dated October 6, 2006, filed March 6, 2007, and telephone interview with Mr. Joseph P. Lally (Reg. No. 38,947) on May 25, 2007.

1-1. Claims 2-5, 8-9, 12, 14-16, and 19 have been amended. Claims 1 and 10 have been cancelled. Claims 2-9 and 11-20 are pending.

1-2. Claims 2-9 and 11-20 have been examined and allowed.

EXAMINER'S AMENDMENT

2. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

3. Authorization for this Examiner's amendment was given in a telephone interview with Joseph P. Lally (Reg. No. 38,947) on May 25, 2007.

4. The claims have been amended as follows:

4-1. Replace claim 1 as follows:

1 (Canceled).

4-2. Replace claim 2 as follows:

2 (Currently amended). A method of ~~testing~~ restoring a test computer software ~~on a test~~ computer having to a base configuration, comprising the steps of:

storing data representing the base configuration of the test computer on a test computer portable boot drive of the test computer;

creating a master image of the base configuration by copying an image of the test computer portable boot drive to storage of a master image computer;

testing ~~the~~ a computer software on the test computer, using the base configuration on the test computer portable boot drive;

copying the master image of the base configuration onto a master image portable boot drive;

transferring the master image portable boot drive ~~of the preceding step from the master image computer~~ to the test computer; and

booting the test computer from the master image portable boot drive, thereby restoring the test computer to the base configuration.

4-3. Replace claim 3 as follows:

3 (Currently amended). The method of Claim 2, wherein the ~~storing step is performed with the same test computer portable boot drive as the transferring step~~ and the master image portable boot drive are the same.

4-4. Replace claim 4 as follows:

4 (Currently amended). The method of Claim 2, wherein the creating step ~~is performed by~~ includes transferring a the test computer portable boot drive from the test computer to the master image computer.

4-5. Replace claim 5 as follows:

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5 (Currently amended). The method of Claim 2, wherein the creating step is performed by communicating the image of the test computer portable boot drive over a network from the test computer to the master image computer.

4-6. Replace claim 8 as follows:

8 (Currently amended). The method of Claim 2, wherein ~~the copying step~~ the master image is performed prior to or during the testing step.

4-7. Replace claim 9 as follows:

9 (Currently amended). The method of Claim 2, wherein ~~the copying step~~ the master image is repeated for a batch of portable boot drives.

4-8. Replace claim 10 as follows:

10 (Canceled).

4-9. Replace claim 12 as follows:

12 (Currently amended). A method of ~~testing~~ configuring a test computer software, ~~using one or more alternate base configurations of a test computer~~ with a selected base configuration, comprising the steps of:

storing data representing ~~one or more~~ a plurality of base configurations of the test computer on test computer portable boot drives ~~of the test computer~~;

creating a master image of each base configuration by copying an image of each test computer portable boot drive to storage of a master image computer;

testing ~~the~~ a computer software on the test computer, using one of the base configurations on one of the test computer portable boot drives;

selecting a base configuration for subsequent software testing ~~of~~ on the test computer;

copying a master image of the selected base configuration onto a master image portable boot drive;

transferring the master image portable boot drive ~~of the preceding step~~ from the master image computer to the test computer; and

booting the test computer from the master image portable boot drive, thereby configuring the test computer with the selected base configuration.

4-10. Replace claim 14 as follows:

14 (Currently amended). The method of Claim 12, wherein the ~~storing step is performed with the same~~ master image portable boot drive ~~as the transferring step~~ is one of the test computer portable boot drives.

4-11. Replace claim 15 as follows:

15 (Currently amended). The method of Claim 12, wherein the creating step ~~is performed by~~ includes transferring a one of the test computer portable boot drive drives from the test computer to the master image computer.

4-12. Replace claim 16 as follows:

16 (Currently amended). The method of Claim 12, wherein the creating step is performed by communicating the image of at least one of the test computer portable boot drive drives over a network from the test computer to the master image computer.

4-13. Replace claim 19 as follows:

19 (Currently amended). The method of Claim 12, wherein ~~the copying step~~ the master image is performed prior to or during the testing step.

Reasons for Allowance

5. The following is an Examiner's statement of reasons for allowance:

5-1. The closest prior art of record discloses:

(1) A method to expand the utilization of IDE (Critz et al., U.S. Patent 6,553,432 B1).

(2) A disk operating system backup and recovery system (McGill, III et al., U.S. Patent 5,469,573).

(3) Product review of QuickStart (Lazenby, "QuickStart: Replication & Recovery 1.2").

5-2. Independent claim 2 is directed at a method of testing computer software on a test computer having a base configuration. Although backup and recovery a system or an operating system using a removable storage media is obvious as shown in the prior art, this independent claim identifies the distinct combination of features including "testing the computer software on the test computer, using the base configuration on the test computer portable boot drive", "copying the master image of the base configuration onto a master image portable boot drive", "transferring the master image portable boot drive to the test computer", and "booting the test computer from the master image portable boot drive, thereby restoring the test computer to the base configuration", as shown in FIG. 2, wherein the "configuration" and "software testing" are described respectively as in the specification at page 2, lines 13-15, "The "configuration" of a computer system includes its hardware, operating system, drivers, and other software" and at page 9, lines 17-19, "'software testing" may include any use of software that results in a change in the base configuration of test computer 10", which has not been uncovered in a single teaching, nor would a modification of prior art references be obvious to one of ordinary skill in the art to yield these limitations in the context of the claim. Claim 2 is deemed allowable.

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5-3. Independent claim 12 is directed at a method of testing computer software, using one or more alternate base configurations of a test computer. Although backup and recovery a system or an operating system using a removable storage media is obvious as shown in the prior art, this independent claim identifies the distinct combination of features including “testing the computer software on the test computer, using one of the base configurations on one of the test computer portable boot drives”, “selecting a base configuration for subsequent software testing on the test computer”, “copying a master image of the selected base configuration onto a master image portable boot drive”, “transferring the master image portable boot drive from the master image computer to the test computer”, and “booting the test computer from the master image portable boot drive, thereby configuring the test computer with the selected base configuration”, wherein the “configuration” and “software testing” are described respectively as in the specification at page 2, lines 13-15, “The “configuration” of a computer system includes its hardware, operating system, drivers, and other software” and at page 9, lines 17-19, ““software testing” may include any use of software that results in a change in the base configuration of test computer 10”, which has not been uncovered in a single teaching, nor would a modification of prior art references be obvious to one of ordinary skill in the art to yield these limitations in the context of the claim.

Claim 12 is deemed allowable.

5-4. Dependent claims 3-9, 11, and 13-20 are allowed as they depend upon allowed independent claims.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Herng-der Day whose telephone number is (571) 272-3777. The Examiner can normally be reached on 9:00 - 17:30.


Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: (571) 272-2100.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Kamini S. Shah can be reached on (571) 272-2279. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Herng-der Day
May 25, 2007

H.D.


KAMINI SHAH
SUPERVISORY PATENT EXAMINER